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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,989	11/12/2003	Keith D. Foote	71486-0061	2988
20915	7590	07/27/2007		
MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER SHAHER, RICKY D	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,989

Applicant(s)

FOOTE ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-23 and 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/18/2007 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-23 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart ('878) in view of Carter et al ('896).

Stewart discloses a motor vehicle assembly comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (90) including a reflective surface (96) for providing a reflection image, and a mounting panel (92, 98) having a mirror plate (92) for mounting the reflective surface thereto; a mounting bracket (104, 112) for mounting the reflective element assembly to the motor vehicle; and an interlocking fastener assembly (100, 102) for removably attaching the reflective element assembly to the mounting bracket comprising a first array of interlocking fasteners (100) attached to and extend away from one of the reflective element assembly and the mounting bracket and a second array of interlocking fasteners (102) attached to and extending away from the other of the reflective element assembly and the mounting bracket, and

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configured to interlock with the first array and to secure said one of the reflective element assembly and the mounting bracket to the other of the reflective element assembly, wherein the mounting bracket comprises a swivel connection (32, 114), which serves as a tilting mechanism, for selectively adjusting the reflective element assembly, wherein the second array is attached to and extend away from the mounting panel/mirror plate, wherein the first and second arrays are attached and detachable without the use of separate fasteners, note Fig. 7 along with the associated description thereof, except for explicitly stating that the interlocking fasteners of the first and second arrays have an identical configuration, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head.

Carter et al teaches it is well known to use interlocking fasteners including first and second arrays having identical configurations, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head, note Fig. 3B, in analogous art for the purpose of attaching one element to another.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interlocking fastener assembly of Stewart to include a similar interlocking assembly including first and second arrays having identical configurations, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head, as taught by Carter et al, in order to similarly attach said reflective element assembly to said mounting bracket.

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As to the limitations of claims 2-5 and 20-23, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to mounting panel of Stewart to include a plastic material of a synthetic resin, a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids, as is well known in the art, in order to provide a light weight mounting panel, since it has been held to be within the general skill of a worker to select a known material on the basis of its suitability for the intended use and purpose of obtaining a degree of resiliency. Note In re Leskin, 125 USPQ 416.

As to the limitations of claims 8-11, 14, 15, 17, 26-29, 32, 33 and 35, it is well known to use tilt actuators for vertically and horizontally tilting of a reflective element assembly in the same field of endeavor for the purpose of providing an adjustment of a rearward field of view.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tilting mechanism of Stewart to include an automatic tilt actuator for vertically and horizontally tilting the reflective element assembly, as is commonly used and employed in the mirror art, in order to similarly adjust a rearward field of view so accommodate for different size drivers, since it has been held that broadly providing mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. Note In re Venner, 120 USPQ 192.

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

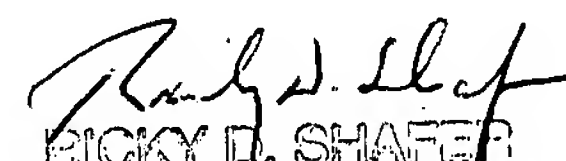
The oath or declaration is defective because the filing date of application 60/319,688 is incorrect. The proper filing date is 11/12/2002.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS
July 23, 2007


RICKY D. SHAFER
PATENT EXAMINER
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